

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC474 U.S. PTO
10/023584



In re application of: Rosen et al.

Application Serial No.: Unassigned

Art Unit: Unassigned

Filed: Herewith

Examiner: Unassigned

For: **Human Vascular Endothelial Growth
Factor 2**

Attorney Docket No.: PF112P1D2

#2
A.G.J
3/7/02

**INFORMATION DISCLOSURE
STATEMENT PURSUANT TO 37 § CFR 1.56**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-FU listed on the attached Form PTO/SB/08A. A copy of each of references AA-FU is enclosed.

Attorneys for Applicants further wish to bring to the attention of the Examiner:

- (a) Statutory Declaration of Peter Adrian Walton Rogers executed on November 12, 2001, and exhibits PAWR-1 through PAWR-14;
- (b) Statutory Declaration of Peter Adrian Walton Rogers executed on February 16, 2000, and exhibit 1;
- (c) Statutory Declaration of Kari Alitalo executed on February 15, 2000, and exhibits 1-3;
- (d) Statutory Declaration of Francis John Ballard and exhibit 1;
- (e) Statutory Declaration of Kari Alitalo executed on September 24, 2001, and exhibits 1-2;
- (f) Statutory Declaration of John Stanley Mattick, and Exhibits JSM1-JSM4;
- (g) Statutory Declaration of Nicholas Kim Hayward, and Exhibits NKH1-2;
- (h) Statutory Declaration of Jennifer Ruth Gamble and Exhibits JRG1-3;

- (i) Statutory Declaration of Tom Rapoport and Exhibits TP1-2;
- (j) Statutory Declaration of Stuart A. Aaronson and Curriculum Vitae of Stuart A. Aaronson;
- (k) Statutory Declaration of Susan Power, Appendices 1-2 and Figure 1; and
- (l) Statutory Declaration of Gary Baxter Cox and Exhibits GBC-1 – GBC 23.

The exhibits accompanying the above-listed declarations are documents or references which were brought to the attention of the Applicants in connection with an opposition to an Australian application, that essentially corresponds to the U.S. priority application in this case. Copies of each of the above-listed Declarations and accompanying exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR §§ 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

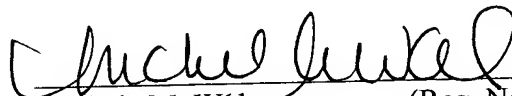
Identification of the listed reference(s) is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner review the listed reference(s) and that the reference(s) be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), since this information disclosure statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425.

Respectfully submitted,

Dated: 12/21/01


Michele M. Wales (Reg. No. 43,975)
Attorney for Applicants

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9410 Key West Avenue
Rockville, Maryland 20850
Telephone: (301) 610-5772

Enclosures
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unassigned
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				First Named Inventor	ROSEN, Craig
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	9	Attorney Docket Number	PF112P1D2

3C474 U.S. PTO
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U.S. PATENT DOCUMENTS						
Examiner Initials ⁴	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	AA	5,633,147		Meissner <i>et al.</i>	05-27-1999	
	AB	5,283,354		Lemischka	02-01-1994	
	AC	5,240,848		Keck <i>et al.</i>	08-31-1993	
	AD	5,234,908		Szabo <i>et al.</i>	08-10-1993	
	AE	5,194,596		Tischer <i>et al.</i>	03-16-1993	
	FO	5,861,301		Terman <i>et al.</i>	01-19-1999	
	FQ	5,840,693		Eriksson <i>et al.</i>	11-24-1999	
	BD	5,073,492		Chen <i>et al.</i>	12-17-1991	
	BE	5,219,739		Tischer <i>et al.</i>	06-15-1993	
	BF	5,326,695		Andersson <i>et al.</i>	07-05-1994	
	BG	5,607,918		Eriksson <i>et al.</i>	03-04-1997	
	BH	08/340011			11/1994	
	BI	08/510133			08/1995	
	BJ	08/585895			01/1996	
	BK	08/601132			02/1996	
	BL	08/671573			06/1996	
	BM	60/003491			09/1995	
	BN	08/554374			11/1995	

FOREIGN PATENT DOCUMENTS						
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		Office ³	Number ⁴	Kind Code ⁵ (if known)		
	AF		99/46364		Human Genome Sciences, Inc.	09-16-1999
	AG		98/33917		Ludwig Institute for Cancer Research/Univ. Helsinki Licensing Ltd.	06-08-1998
	AH		98/07832		Ludwig Institute for Cancer Research/Univ. Helsinki Licensing Ltd. Oy	02-26-1998

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² Unique citation designation number. ³ See attached Kinds of U.S. Patent Documents. ⁴ Enter Office that issued the document, by the two-letter code (WIP Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

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		Office ³	Number ⁴ (if known)			
	AI		96/39515	Human Genome Sciences, Inc.	12-12-1996	
	AJ		96/05856	Human Genome Sciences, Inc.	02-29-1996	
	AK		95/24414	Human Genome Sciences, Inc.	09-14-1995	
	AL		95/19985	Human Genome Sciences, Inc.	07-27-1995	
	AM		92/14748	American Cyanamid Co.	09-03-1992	
	FR		94/403464	Human Genome Sciences, Inc.	01-31-1996	
	AU		99/21590	Merck & Co.	05-06-1999	
	AV		99/08522	Ludwig Institute for Cancer Research/Univ. Helsinki Licensing Ltd.	02-25-1999	
	AW		98/56936	Max-Planck-Gesellschaft Zur Forderung Der Wissenschaften E.V.	12-17-1998	
	AX		98/49300	Collateral Therapeutics	11-05-1998	
	AY		98/39035	The Wistar Institute of Anatomy & Biology	09-11-1998	
	AZ		98/24811	Zymogenetics, Inc.	06-11-1998	
	BB		98/06844	Human Genome Sciences, Inc.	02-19-1998	
	BC		710696	Genentech, Inc.	09-30-1999	
	BO		0-476983	Bayne et al.	03-25-1992	
	BP		0-506477	Bayne et al.	09-30-1992	
	BQ		97/05250	University of Helsinki	02-13-1997	
	BR		97/09427	Genentech, Inc.	03-13-1997	
	BS		97/17442	Immunex Corporation	05-15-1997	

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OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS				
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	BT	ACHEN <i>et al.</i> , "Vascular endothelial growth factor D (VEGF-D) is a ligand for the tyrosine kinases VEGF receptor-2 (Flk1) and VEGF receptor 3 (Flt4)," <i>Proc. Natl. Acad. Sci. (USA)</i> , 95(2): 548-553 (1998).		
	BU	ANDERSSON <i>et al.</i> , "Assignment of interchain disulfide bonds in platelet-derived growth factor (PDGF) and evidence for agonist activity of monomeric PDGF," <i>J. Biol. Chem.</i> , 267(16): 11260-11266 (1992).		
	BV	ALDERSON, R. F., Yourey, P. A., and Su, J. Y. (1999) Vascular endothelial cell growth factor (VEGF)-2 enhances the development of rat photoreceptor cells in vitro. <i>Keystone Symposia, Ocular Cell and Molecular Biology</i> , 202. (Abstract provided)		
	BW	ANDERSSON W.F., "Human gene therapy," <i>Science</i> , 256:808-813 (1992).		
	BX	Aprelikova <i>et al.</i> , "FLT4, a novel class III receptor tyrosine kinase in chromosome 5q33-qter," <i>Cancer Research</i> , 52:746-748 (1992).		
	BY	DIGNAM <i>et al.</i> , "Balbiani ring 3 in <i>chironomus tentans</i> encodes a 185-kDa secretory protein which is synthesized throughout the fourth larval instar," <i>Gene</i> 88:133-140 (1990).		
	BZ	FERRARA <i>et al.</i> , "Molecular and biological properties of the vascular endothelial growth factor family of proteins," <i>Endocrine Rev.</i> 13(1): 18-32 (1992).		
	CA	FINNERTY <i>et al.</i> , "Molecular cloning of murine FLT and FLT4," <i>Oncogene</i> 8(11): 2293-2298 (1993).		
	CB	HELDIN <i>et al.</i> , "Structure of platelet-derived growth factor: implications for functional properties," <i>Growth Factors</i> 8:245-252 (1993).		
	CC	EICHMANN <i>et al.</i> , "Avian VEGF-C: cloning, embryonic expression pattern and stimulation of the differentiation of VEGFR2-expressing endothelial cell precursors," <i>Development</i> 125(4): 743-752 (1998).		
	CD	PAJUSOLA <i>et al.</i> , "FLT4 receptor tyrosine kinase contains seven immunoglobulin-like loops and is expressed in multiple human tissues and cell lines," <i>Cancer Research</i> 52:5738-5743 (1992).		
	CE	LEUNG <i>et al.</i> , "Vascular endothelial growth factor is a secreted angiogenic mitogen," <i>Science</i> 246:1306-1309 (1989).		
	CF	BREIER <i>et al.</i> , "Expression of vascular endothelial growth factor during embryonic angiogenesis and endothelial cell differentiation," <i>Development</i> 114:521-532 (1992).		
	CG	BELL <i>et al.</i> , "Human epidermal growth factor precursor: cDNA sequence, expression <i>in vitro</i> and gene organization," <i>Nucl. Acids Res.</i> 14(21): 8427-8446 (1986).		
	CH	BERSE <i>et al.</i> , "Vascular permeability factor (vascular endothelial growth factor) gene is expressed differentially in normal tissues, macrophages, and tumors," <i>Mol. Biol. Cell.</i> 3:211-220 (1992).		

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				Examiner Name	Unassigned
Sheet	4	of	9	Attorney Docket Number	PF112P1D2

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	CI	BETSHOLTZ <i>et al.</i> , "cDNA sequence and chromosomal localization of human platelet-derived growth factor A-chain and its expression in tumor cell lines," <i>Nature</i> 320:695-699 (1986).
	CJ	CLAFFEY <i>et al.</i> , "Vascular endothelial growth factor," <i>J. Biol. Chem.</i> 267(23): 16317-16322 (1992).
	CK	CORSON <i>et al.</i> , "Fibrillin binds calcium and is coded by cDNAs that reveal a multidomain structure and alternatively spliced exons at the 5' end," <i>Genomics</i> 17:476-484 (1993).
	CL	FERRARA <i>et al.</i> , "The vascular endothelial growth factor family of polypeptides," <i>J. Cellular Biochemistry</i> 47:211-218 (1991).
	CM	GEORGE <i>et al.</i> , "Current Methods in Sequence Comparison and Analysis," <i>Macromolecular Seq. and Syn. Selected Meth - Application</i> (Alan R. Liss), pp. 127-149 (1988).
	CN	HU <i>et al.</i> , "A novel regulatory function of proteolytically cleaved VEGF-2 for vascular endothelial smooth muscle cells," <i>FASEB J.</i> , 11:498-504 (1997).
	CO	JOUKOV <i>et al.</i> , "A novel vascular endothelial growth factor, VEGF-C, is a ligand for the Flt4 (VEGFR-3) and KDR (VEGFR-2) receptor tyrosine kinases," <i>EMBO J.</i> 15(2): 290-298 (1996).
	CP	JOUKOV <i>et al.</i> , "Proteolytic processing regulates receptor specificity and activity of VEGF-C," <i>EMBO J.</i> 16(13): 3898-3911 (1997).
	CQ	KAIPAINEN <i>et al.</i> , "The related FLT4, FLT1 and KDR receptor tyrosine kinases show distinct expression patterns in human fetal endothelial cells," <i>J. Exp. Med.</i> 178:2077-2088 (1993).
	CR	KECK <i>et al.</i> , "Vascular permeability factor, an endothelial cell mitogen related to PDGF," <i>Science</i> 246: 1309 (1989).
	CS	KINGSLEY, D., "The TGF- β superfamily: new members, new receptors, and new genetic tests of function in different organisms," <i>Genes & Development</i> 8: 133-146 (1994).
	CT	KUKK <i>et al.</i> , "VEGF-C receptor binding and pattern of expression with VEGFR-3 suggests a role in lymphatic vascular development," <i>Development</i> 122: 3829-37 (1996).
	CU	LEE <i>et al.</i> , "Vascular endothelial growth factor-related protein: a ligand and specific activator of the tyrosine kinase receptor Flt4," <i>Proc. Natl. Acad. Sci. (USA)</i> , 93:1988-1992 (1996).
	CV	MAGLIONE <i>et al.</i> , "Two alternative mRNAs coding for the angiogenic factor, placenta growth factor (PIGF), are transcribed from a single gene of chromosome 14," <i>Oncogene</i> 8:925-931 (1993).

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	CW	MAGLIONE <i>et al.</i> , "Isolation of a human placenta cDNA coding for a protein related to the vascular permeability factor," <i>Proc. Natl. Acad. Sci. (USA)</i> , 88:9267-9271 (1991).	
	CX	MASSAGUE, J., "The transforming growth factor-beta family," <i>Annu. Rev. Cell Biol.</i> 6:597-641 (1990).	
	CY	MATTHEWS <i>et al.</i> , "A receptor tyrosine kinase cDNA isolated from a population of enriched primitive hematopoietic cells and exhibiting close genetic linkage to c-kit," <i>Proc. Natl. Acad. Sci. (USA)</i> , 88:9026-9030 (1991).	
	CZ	MILLAUER <i>et al.</i> , "High affinity VEGF binding and developmental expression suggest FLK-1 as a major regulator of vasculogenesis and angiogenesis," <i>Cell</i> 72:835-846 (1993).	
	DA	MILLAUER <i>et al.</i> , "Glioblastoma growth inhibited <i>in vivo</i> by a dominant-negative Flk-1 mutant," <i>Nature</i> 367:576-579 (1994).	
	DB	OLTVAI <i>et al.</i> , "Bcl-2 heterodimerizes <i>in vivo</i> with a conserved homolog, bax, that accelerates programmed cell death," <i>Cell</i> 74:609-619 (1993).	
	DC	PAULSSON <i>et al.</i> , "The balbani ring 3 gene in <i>chironomus tentans</i> has a diverged repetitive structure split by many introns," <i>J. Mol. Biol.</i> 211:331-349 (1990).	
	DD	PAJUSOLA <i>et al.</i> , "Two human FLT4 receptor tyrosine kinase isoforms with distinct carboxy terminal tails are produced by alternative processing of primary transcripts," <i>Oncogene</i> 8:2931-2937 (1993).	
	DE	TISCHER <i>et al.</i> , "Vascular endothelial growth factor: A new member of the platelet-derived growth factor gene family," <i>Biochem. & Biophys. Res. Comms.</i> 165(3): 1198-1206 (1989).	
	DF	TANAKA <i>et al.</i> , "DNA sequence encoding the amino-terminal region of the human c-src protein: implications of sequence divergence among src-type kinase oncogenes," <i>Mol. Cell Biol.</i> 7(5): 1978-1983 (1987).	
	DG	TERMAN <i>et al.</i> , "Identification of a new endothelial cell growth factor receptor tyrosine kinase," <i>Oncogene</i> 6:1677-1683 (1991).	
	DH	TERMAN <i>et al.</i> , "Identification of the kdr-tyrosine kinase as a receptor for vascular endothelial cell growth factor," <i>Biochem. Biophys. Res. Commun.</i> 187(3): 1579-1586 (1992).	
	DI	TSUJIMOTO <i>et al.</i> , "Analysis of the structure, transcripts, and protein products of bcl-2, the gene involved in human follicular lymphoma," <i>Proc. Natl. Acad. Sci. (USA)</i> , 83:5214-5218 (1986).	
	DJ	TISCHER <i>et al.</i> , "The Human Gene for Vascular Endothelial Growth Factor," <i>J. Biol. Chem.</i> 266(18): 11947-11954 (1991).	
	DK	FRIEDMAN, T., "A brief history of gene therapy," <i>Nat. Genetics</i> 2:93-98 (1992).	

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DL		WILLIAMS, R.S. "Southwestern internal medicine conference: prospects for gene therapy of ischemic heart disease," <i>Am. J. Med. Sci.</i> 306(2): 129-136 (1993).	
DM		HOCKEL <i>et al.</i> , "Therapeutic angiogenesis," <i>Arch. Surg.</i> 128:423-429 (1993).	
DN		GUZMAN <i>et al.</i> "Efficient gene transfer into myocardium by direct injection of adenovirus vectors," <i>Circ. Res.</i> 73:1202-1207 (1993).	
DO		BELLOMO <i>et al.</i> , "Mice Lacking the Vascular Endothelial Growth Factor- β Gene (Vegfb) Have Smaller Hearts, Dysfunctional Coronary Vasculature, and Impaired Recovery From Cardiac Ischemia," <i>Circ. Research</i> 89(2): e29-e35 (2000).	
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OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS			
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	EC	YOUREY, P. A., Gohari, S., Su, J. Y. and Alderson, R. F. (2000) Vascular Endothelial Cell Growth Factors Promote the In Vitro Development of Rat Photoreceptor Cells. <i>J. Neuroscience</i> , 20: 6781 - 6788.	
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	ER	GenBank Accession No. M63972, TISCHER <i>et al.</i> , "Human vascular endothelial growth factor gene, exon 2," August 3, 1993.	
	ES	GenBank Accession No. M63973, TISCHER <i>et al.</i> , "Human vascular endothelial growth factor gene, exon 3," August 3, 1993.	
	ET	GenBank Accession No. M63974, TISCHER <i>et al.</i> , "Human vascular endothelial growth factor gene, exon 4," August 3, 1993.	

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	FN	GenBank Accession No. K03218, TANAKA <i>et al.</i> , "Human c-src-1 proto-oncogene, exon 12," January 13, 1995.	
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	FT	International Search Report, Application No. PCT/US99/05021.	
	FU	International Search Report, Application No. PCT/US94/05291.	

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